



1006 Rec'd PCTO 26 AUG 2005 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tommy LONG

Appln No.: 10/510,647

Filed: October 8, 2004 as a 35 U.S.C. 371

National Stage Application, based on

PCT/US03/10857 filed April 9, 2003.

TC/AU: TBD

Examiner: TBD.

Atty. Docket No.: CM-020

**PETITION UNDER 37 CFR 3.47
WITH DECLARATION AND FEES**

**For: VEHICLE DRIVE SYSTEM WITH
ENERGY RECOVERY SYSTEM AND
VEHICLE MOUNTING SAME**

Customer No:

34253

PATENT TRADEMARK OFFICE

Mail Stop PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir(s):

Pursuant to the Notice of Missing Requirements issued June 27, 2005, Applicant hereby submits the following timely petition under 37 CFR 3.47, declaration, and response.

A petition under 37 CFR 3.47 is hereby submitted by Charge-O-Matic Energy Recovery Devices, LLC, assignee in interest of the entire rights in the above identified patent. A copy of the assignment of all rights in the parent PCT application and any applications issuing therefrom is submitted herewith, said same assignment having been filed together with the initial 35 U.S.C. 371 application and the appropriate assignment recordation cover sheet.


The assignee avers that it has, through its President Michael Fowler, taken and exhausted all diligent efforts to locate and obtain the signature of the inventor on the attached declaration. That the inventor is unavailable at this time. Further, assignee avers that failure to proceed with the filing of the necessary declaration in this case would cause extreme hardship to the assignee and the inventor in the loss of the ability to obtain patent rights in the above identified application. Assignee hereby proffers the required petition and declaration under 37 CFR 3.47 with signature. Assignees last known address, 5680 Minor Hill Highway, Goodsprings, Tennessee, is clearly indicated. The declaration is signed by the Assignee's President, Michael Fowler, Esq., who has knowledge of the facts of the case and, based upon information and belief, can and has attested to the statements made in the declaration, under penalty as provided by 18 U.S.C. 101, regarding the inventor in the above-identified application for patent.

In addition Applicant includes the additional fees set forth in the Notice, namely \$25.00 for additional claims, a \$65.00 surcharge, and the \$200.00 petition fee. A payment is attached for \$290.00. Applicant believes no additional fees are due with this response, however, if a greater or lesser fee(s) should be due or a credit be due in this case, please charge deposit account no. 503461 and notify the undersigned accordingly. Should the USPTO Staff or the Examiner believe a teleconference would advance the prosecution of the application, they are encouraged to telephone the undersigned.

Date: August 26, 2005

08/31/2005 ATRAN1	00000117 10510647
01 FC:2617	65.00 OP
08/31/2005 ATRAN1	00000117 10510647
02 FC:2615	25.00 OP
08/31/2005 ATRAN1	00000117 10510647
03 FC:1463	200.00 OP

Respectfully Submitted,


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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO. 10/510,647	FIRST NAMED APPLICANT Thomas Long	ATTY. DOCKET NO. CM-020
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34253
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INTERNATIONAL APPLICATION NO. PCT/US03/10857	
LA. FILING DATE 04/08/2004	PRIORITY DATE 04/10/2002

CONFIRMATION NO. 3918
371 FORMALITIES LETTER
OC000000016381117

Date Mailed: 08/27/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/08/2004
- Copy of the International Search Report filed on 10/08/2004
- Preliminary Amendments filed on 10/08/2004
- U.S. Basic National Fees filed on 10/08/2004
- Priority Documents filed on 10/08/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$25 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. ✓
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date. ✓
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required. ✓

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$90 for a Small Entity:

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- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$ 25
 - \$25 for 5 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.138(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,647	PCT/US03/10857	CM-020

FORM PCT/DO/EO/805 (371 Formalities Notice)

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